

REMARKS

This paper responds to the Office Action dated October 12, 2011. Claims 3-6, 17-23 and 26 are currently pending. Claims 23 and 26 have been amended. In the Office Action, the Examiner has rejected all pending claims under 35 USC 103(a) as follows: claims 3-6, 17 and 26 stand rejected as obvious over US 2003/0064758 (“Mizuta”) in view of US 2002/0006815 (“Finke-Anlauff”) in view of USP 4,845,772 (“Metroka”); claims 18, 19, 21 and 23 stand rejected as obvious over Mizuta in view of Finke-Anlauff in view of USP 6839101 (“Shima”) in view of Ozaki in view of Metroka as applied to claim 26; and claims 20 and 22 stand rejected as obvious over Mizuta in view of Finke-Anlauff in view of Ozaki in view of Metroka as applied to claim 26 and further in view of Shima.

Although additional amendments to independent claim 26 are unnecessary to overcome the cited art, Applicant has made the following clarifying amendment to the last paragraph of claim 26:

a lock control section for rendering a part or all of said auxiliary operation section operative in the closed state, and inoperative in the opened state and inoperative while the first and second housings are moving between the closed state and opened state, a transition state.

Unlike the prior art, independent claim 26 recites a “lock control section for rendering a part or all of said auxiliary operation section, operation in the closed state, and inoperative in the opened state **and** inoperative while the first and second housings are moving between the closed state and opened state.” Applicant’s amendment does not introduce any new matter. For example, Applicant’s published application explains:

“Further, at the step S601, when it is determined that the portable terminal unit 100 is in other states than the closed state, that is, the **opened state or the turning state, the lock control section 4a**

shuts off the electric connection of the auxiliary operation section 103 thereby to render the operation of the auxiliary operation section 3 inoperative (S604)." US 2004/0235540 at [0052].

By way of this amendment, Applicant has clarified that the transition state is the state "while the first and second housings are moving between the closed state and opened state". As shown in the excerpt above, the specification refers to it as the turning state.

In rejecting the claims, the Examiner asserts "what is lacking from Mizuta in view of Finke-Anlauff is the auxiliary operation section being inoperative in the transition state between opened and closed." The Examiner further asserts "Finke-Anlauff teaches deactivating the auxiliary operation section during the fully open state and activating is when fully closed, but makes no mention of what state the terminal would be in between." To fill that acknowledged gap in the disclosure of Mizuta and Finke-Anlauff, the Examiner asserts "Metroka defines the open state as a **set point** in the transition from fully opened to fully closed." The Examiner then defines that state in Metroka between fully open and closed as a transition state.

As already explained, Applicant has amended independent claim 26 to further clarify the meaning of transition state as the state while the first and second housings are moving between the closed state and opened state. As clarified in the claims, that state is not some fixed point between open and closed as disclosed in Metroka and as relied on by the Examiner to reject the claims. Accordingly, the combination of Mizuta, Finke-Anlauff and Metroka does not disclose all the elements of claim 26 and cannot render it obvious. Claim 26 and its dependent claims are thus allowable over the cited prior art.

Moreover, the Examiner relies on hindsight in improperly combining the cited prior art to find the claims obvious. Specifically, there is nothing in Mizuta to suggest the need to disable the auxiliary operation section 207. It is very possible that the main section and

auxiliary operation section in Mizuta are both operational in the open state, as shown, for example in Fig. 9C of Mizuta. Furthermore, there is nothing in Mizuta that would suggest the need to disable the auxiliary keys 207 while moving from closed to the open state as claimed.


Claim 23 was also amended to delete "that has the main display section" in response to the rejection to claim 23 in the current office action.

For the reasons set forth above, Applicant respectfully submits that this patent application, including all pending claims, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested. The Examiner is urged to telephone Applicant's undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely.

Kindly charge any additional fee, including extension fees, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-0059.

Respectfully submitted,

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